

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

22-CR-76-LJV

HASSAN MOUSSA FARES,

Defendant.

STATEMENT OF THE GOVERNMENT
WITH RESPECT TO SENTENCING FACTORS

PLEASE TAKE NOTICE that the government hereby adopts all findings of the Presentence Report with respect to sentencing factors, with the exception of paragraph 88, which calculates the fine range as \$2,000 - \$1,000,000. *Compare* Dkt. 33 (Plea Agreement) ¶ 11 (stating that the parties agree that fine range is \$2,000 - \$20,000). Although the defendant does not have the ability to pay a fine, pursuant to *United States v. Lawlor*, 168 F.3d 633 (2d Cir. 1999), the government is bound to advocate for the fine range in the plea agreement.

If the defendant presents any letters of support or sentencing statement to the Court, the government will move to strike the items from the record if this office is not provided with copies at least three business days prior to sentencing.

The defendant is required by 18 U.S.C. § 3013 to pay \$100 at the time of sentencing. Immediately after sentencing, the defendant must pay the amount due by personal check, cashier's check or certified funds to the United States District Court Clerk.

The Court must order restitution in the total amount of \$36,000.

The government requests that the Court order that all financial obligations be due immediately. In the event the defendant lacks the ability to immediately pay the financial obligations in full, it is requested that the Court set a schedule for payment of the obligations.

In the event present counsel for the defendant will continue to represent the defendant after sentencing in regard to the collection of unpaid financial obligation(s), it is requested that a letter so advising be sent to:

Asset Recovery Division
U.S. Attorney's Office WDNY
138 Delaware Avenue
Buffalo, New York 14202

If a letter is not received within ten days of sentencing, the defendant will be directly contacted regarding collection of the financial obligation(s).

DATED: Buffalo, New York, December 5, 2022

TRINI E. ROSS
United States Attorney

BY: /s/ CHARLES M. KRULY
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